

SELF SERVICE CENTER

INSTRUCTIONS: HOW TO FILL OUT PAPERS FOR CHANGE OF PARENTING TIME (Formerly known as “VISITATION”) or PARENTING TIME AND CHILD SUPPORT

IMPORTANT INFORMATION: These instructions tell you how to fill out the forms to file a *Petition for Change of Parenting time or Parenting time and Child Support*. Before filling out the forms, you should read the Information on How to Get a Change of Parenting time to learn what you should know before you file your papers. Reading this information can save you a lot of time and trouble. You must make sure that it is not too soon for you to file and to find out if you have a legal basis to file.

1. DOES THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY HAVE THE POWER TO HEAR YOUR CASE? The answer to this question must be “yes” for you to file a Petition to Change Parenting time. Our court has the power to hear your case in the following cases:

- A. THE COURT ORDER YOU WANT TO CHANGE IS FROM THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY:** You will want to have a copy of your Order in front of you as you fill out these papers.
- B. IF THE COURT ORDER YOU WANT TO CHANGE IS FROM ANOTHER COUNTY IN ARIZONA:** Either party may file for change in parenting time but the child(ren) must have lived in Maricopa County for the last 6 months, or since birth. Here is what you must do:
- ◆ Get a certified copy of the divorce decree, paternity, or custody/parenting time order from the other county, and
 - ◆ Bring the certified copy to the Clerk of Court when you file your court papers, and
 - ◆ The Clerk of Court will file the order and assign a new case number to your case.
- C. IF THE COURT ORDER YOU WANT TO CHANGE IS FROM A STATE OTHER THAN ARIZONA:** Talk to a lawyer who can tell you what requirements are necessary for you to file a Petition for Modification in Arizona.

2. IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE: Domestic violence can be part of any relationship. Domestic violence can include **physical violence** such as hitting, slapping, pushing or kicking, and also **threats** of physical violence made against you and/or your child(ren), or regular **verbal abuse** used to control you and/or your child(ren). The other party does **NOT** need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you **do not** need to have sought medical care **or** been admitted to a hospital to be a victim.

All court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself and/or your child(ren) from further violence, you must file for an “**Order of Protection**” and ask that your address **not** be disclosed on court papers. With that Order, you do **not** need to put your address and phone number on your court papers. Just write “protected” when asked for this information and update the Clerk of the Court with an address and phone number as soon as possible.

3. **Family Court Post-Decree Coversheet** (Post Decree Modification or Enforcement)

Print or type in black ink.

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet.

Case Number: Write in the case number of the original case whose decision or order you are asking the Court to change or enforce.

Information About the Petitioner (*in the original action*): Regardless of who started *this* action for change or enforcement, write in the information, if you know it, for the person who was the Petitioner *in the original case*. If the Petitioner's address is protected, simply write "Protected" on the address line. If you are the Petitioner, and you want your address protected, DO NOT write your address on the coversheet. When you file your papers, tell the Clerk of the Court you want your address protected and they will give you a special form to complete. If you are the Petitioner and a lawyer represents you, write in the lawyer's name and bar number.

Information about the other party, the Respondent (*in the original action*): Regardless of who started *this* action for change or enforcement, write in the information, if you know it, for the person who was the Respondent *in the original case*. If the Respondent's address is protected, simply write "Protected" on the address line. If you are the Respondent, and you want your address protected, DO NOT write your address on the coversheet. When you file your papers, tell the Clerk of the Court you want your address protected and they will give you a special form to complete. If you are the Respondent and a lawyer represents you, write in the lawyer's name and bar number.

Minor Children Involved: List the names, dates of birth, and social security numbers for any minor children involved in this specific case.

Other Minor Children: If there are other children of either the Petitioner or the Respondent or both not involved with this case, list their names on the lines provided.

Other court cases: Check the appropriate box to tell this Court if either you or your spouse have been involved in any other cases, except a minor traffic offense, in any other court. If you check the Yes box, please describe the case, including case numbers and court location.

Domestic Violence Section: Answer the questions listed regarding domestic violence. This information will help court staff determine if this issue is relevant to this case.

Children's Issues Section: Answer the questions regarding the children you listed on *the "Family Court Cover Sheet."* This information will help court staff determine if these issues are relevant to this case, and/or whether a case exists in this Court already regarding any child you listed.

Interpreter: If you or your spouse need an interpreter, check the box for the appropriate party, one or both. **Language:** Check the box to indicate whether the interpreter is needed for Spanish or other language. If "Other", write in the language. This information helps the court estimate the need for interpreters. It is **NOT** an official request for an interpreter.

Location: If you are filing your documents in Phoenix, check the Downtown Phoenix box. If you are filing your documents in Mesa, check the Mesa box.

4. INSTRUCTIONS FOR FILLING OUT THE PETITION FOR CHANGE OF PARENTING TIME or PARENTING TIME AND CHILD SUPPORT: (Use this form **only** if you already have a divorce, paternity, or child custody/parenting time order.)

- A. PLEASE TYPE OR PRINT WITH BLACK INK ONLY!**
- B.** Make sure your form is titled ***"Petition for Change of Parenting time or Parenting time and Child Support."***
- C.** In the top left corner of the first page, fill out the following: **YOUR** name; address (if not protected); city; state, zip code; telephone number; and your **ATLAS** number, if you are receiving or have received AFDC from the Arizona Department of Economic Security. If you are represented by an attorney, write in the attorney's bar number, and then check the box to say whether you are representing yourself or you are represented by an attorney. If you are represented by an attorney, write in your name in the space provided.
- D.** Fill in the top section where it says Name of Petitioner and Name of Respondent, **exactly** as it appears on your original divorce, paternity, or custody/parenting time papers. If your original case was a paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner, and the other party as Respondent.
- E.** Fill in your case number on the line next to "Case Number:" using your original case number from your paternity, divorce or child custody/parenting time papers. If your court order was from another county, make sure you follow the steps above and use the new case number the Clerk of Court assigns you.

GENERAL INFORMATION:

- F. Information about Me:** Fill in your name, address (if not protected), social security, and how you are related to the children.
- G. Information about the Other Party:** Fill in the other party's name, address (if not protected) including city, state and zip code, social security number, and how the other party is related to the child(ren).
- H. Information about the children for whom I want the parenting time order changed:** Provide the child(ren)'s name(s), birth date(s), and age(s). Give information on all the children under 18 years of age for whom you are seeking to make a change in parenting time and child support.
- I. Affidavit regarding Minor Children.** If the child(ren) has/have resided in Arizona since the entry of the last Arizona Custody Order check the first box. If not, you must attach an Affidavit regarding Minor Children and check the second box. The Affidavit regarding Minor Children form is in the forms packet.
- J. Information about the Order I want to change.** Check box A or box B, and then complete the information after the box you checked. If your previous decree/order is from Maricopa County, check box A, and write in the date the judge signed the Order, and the name of the judge who signed the Order. If your decree/order is from another county in Arizona or from another state, check box B and write the date the judge signed the Order,

name of the state (if it applies) and name of the county. You must also make sure to get a certified copy of the decree/order from the other court and then file the certified copy with the Superior Court of Maricopa County when you file your Petition. **Important: If your decree/order is from another County or State, the child(ren) usually will need to have lived in Maricopa County for at least six (6) months or since birth before you can file for a change.**

- K. Domestic Violence.** Tell the court whether no significant domestic violence has occurred, or if it has a check, explain it to the court.
- L. What your Order now says:** This is where you tell the judge exactly what part of your decree/order you want to change. You should find your current decree/order, read it carefully several times and then decide what parts you want to change. Find the part you don't agree with and then COPY IT WORD FOR WORD into the space provided here or you may incorporate the Order and attach a copy of the Order to the judge's copy of the Petition and all other parties' copies of the Petition. Do not attach the Order to the original Petition.
- M. Why the Decree/Order should be changed:** This is where you briefly explain to the judge why you think a change of your decree/order is necessary for the best interest of the child. You should be very specific here. If you need more room, you can use extra sheets of paper and attach it to this Petition.
- N. What you want the changed order to say:** This is where you tell the judge what you want the new order to say. If you need more room, you can use extra sheets of paper and attach it to this Petition.

REQUESTS I MAKE TO THE COURT: This is where you explain to the judge what you want your decree/order on custody to say.

A. PARENTING TIME:

- 1. PARENTING TIME:** Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of parenting time:
- a. Reasonable Parenting time pursuant to Guidelines--**this suggests an amount of parenting time appropriate to the age of the child. The Court offers suggested amounts of parenting time. These amounts are based on the Guidelines. If you agree with the Guidelines and want parenting time to be based on the Guidelines, check this box.
 - b. Reasonable Parenting time pursuant to a Parenting Plan.** Complete the Parenting Plan before you go to the judge for your final order. The Parenting Plan and Parent Child Access Guidelines are in the "Orders" packet.
 - c. Supervised Parenting time to the Non-Custodial Parent.** You should request supervised parenting time if the non-custodial parent cannot adequately care for the children without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a child

without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child. You must write the reasons why parenting time should be supervised.

- d. **No Parenting time to the Non-Custodial Parent.** You should mark this box only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child's physical and emotional health, or if there is a criminal court order stating there is to be no contact between the child and the non-custodial parent. This is a last resort to protect the child.
- e. **Other.** Use this section if you are making only a few changes to the parenting time schedule/Parenting Plan. Describe the changes you want to make.

B. CHILD SUPPORT: Check the box if you are asking for a change in child support. Then mark which party should pay child support. The amount of the support is generally determined by income of the parties according to court guidelines. A change in the number of parenting time days a non-custodial parent has with the children may change the amount of child support the non-custodial parent pays. The only way to determine if child support changes is to calculate it for yourself on the **"Child Support Worksheet"** included in the forms packet. If child support changes, write in the amount of support you are requesting after you have filled out the **"Child Support Worksheet."** This form is included in the packet and has instructions on how to fill it out. The **"Child Support Guidelines"** are in the "Orders" packet.

C. HEALTH, MEDICAL, DENTAL INSURANCE PAYMENTS AND EXPENSES: Check the box if you are asking for a change in health, medical, and dental insurance payments and expenses. Mark which party should be responsible for health, medical, dental insurance and other related expenses. Then write in what percentage mother should pay and what percentage father should pay of those expenses not covered by insurance. The total percentage must add up to be 100%.

D. OTHER ORDERS: Fill in this information only if you have made other requests to the court. Write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition. Use extra pages if necessary.

OATH AND VERIFICATION: The Oath and Verification must be signed in front of a notary or deputy clerk. You should only sign the Oath and Verification after you have carefully reviewed your Petition and believe that everything contained in the Petition is true and accurate. By signing the Petition under Oath you are swearing, under penalty of perjury, that the information is true.

- 5. WHAT TO DO NEXT:** Read and follow the instructions in the document called Procedures: What To Do After You Have Completed The Petition to Change Parenting time or Parenting time and Child Support.